



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 9, 2003

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Conyers:

Thank you for your letter of April 1, 2003, in which you asked the Department of Justice ("Department") to provide information regarding the use of preexisting authorities and the new authorities conferred by the USA PATRIOT Act (P.L. 107-56). We are sending an identical response to Chairman Sensenbrenner.

The Department of Justice has reviewed all of the questions, including those that relate to the authority or operations of the Immigration and Naturalization Service. We have determined that it would be more appropriate for the Department of Homeland Security ("DHS") to respond to questions number 18, 19, 22, 23, 24, 31, 32 and 36, which relate to enforcement and service functions that have transferred to DHS as of March 1, 2003. We have referred these questions to Ms. Pamela Turner, Assistant Secretary for Legislative Affairs, Department of Homeland Security. A copy of our letter transmitting these questions to DHS is enclosed.

The Department will forward the remaining questions to the Committee as soon as possible. If we may be of further assistance on this, or any other matter, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Brown".

Jamie E. Brown
Acting Assistant Attorney General

Enclosure



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 9, 2003

Ms. Pamela Turner
Assistant Secretary for Legislative Affairs
Department of Homeland Security
Washington, D.C. 20528

Dear Ms. Turner:

By letter of April 1, 2003, this Department received oversight questions from the Chairman and Ranking Member of the House Committee on the Judiciary which requests information regarding the use of preexisting authorities and the new authorities conferred by the USA PATRIOT Act (P.L. 107-56).

The Committee has provided the option to have questions relating to the authority or operations of the Immigration and Naturalization Service transferred to the Department of Homeland Security (DHS) for appropriate response. We have reviewed the questions and determined that it would be more appropriate for DHS to respond to questions number 18, 19, 22, 23, 24, 31, 32 and 36 (enclosed), which relate to enforcement and service functions that have transferred to DHS as of March 1, 2003. The Committee asks that unless otherwise indicated, all responses should be sent to the Committee current through March 31, 2003. Finally, they have requested responses no later than May 13, 2003.

Thank you for your assistance in responding to the oversight questions of the House Judiciary Committee. If we may be of assistance to you during this process, please do not hesitate to contact this office.

Sincerely,


Jamie E. Brown

18. Section 402 authorizes appropriations to triple the number of INS Border Patrol Agents and Inspectors in each state along the Northern Border, and also authorizes appropriations to provide necessary personnel and facilities to support such personnel.
- A. How many additional Inspectors has the INS hired at the Ports of Entry along the Northern Border?
 - B. How many of those hires are working as Inspectors along the Northern Border at this time?
 - C. By how many Inspectors has the total staffing at the ports along the Northern Border increased since September 11, 2001?
19. What technology improvements have been completed and what additional technology improvements are planned for FY2003 expenditures to improve Northern Border security?
22. On September 20, 2001, the INS issued an interim rule amending the period of time that an alien may be detained while the agency assesses whether to issue a Notice to Appear (NTA), placing the alien in immigration proceedings. Prior to amendment, the INS was required to issue an NTA within 24 hours of the alien's arrest. As amended, the INS has 48 hours after an alien is arrested to decide whether to issue an NTA, "except in the event of an emergency or other extraordinary circumstance in which case a determination will be made within an additional reasonable period of time."
- A. What is the authority for the INS to detain an alien for longer than 48 hours without filing charges?
 - B. How many aliens have been detained for more than 48 hours without being charged under the authority in this regulation?
 - C. What is the longest period that an alien has been detained without being charged under the authority in this regulation?
 - D. Have any challenges to this regulation been brought in judicial proceedings? If so, please identify the case(s) and the status of each proceeding.
23. Since September 11, 2001, the government has required that certain non-citizens from certain Middle Eastern countries register with the INS (or its successor agency).

- B. What is the government's policy regarding whether non-citizens are able to have counsel present during the registration process, specifically during the interview?
- C. If counsel are not permitted at any point, what is the government's authority for denying such right to counsel?
24. Since September 11, 2001, how many individuals have been deported from the United States? To what countries were those individuals deported? What was the racial and ethnic background of such individuals? For what reason were these individuals deported?
31. Has the DOJ through any of its agencies formulated a policy position regarding criteria for establishing the authenticity of foreign government-issued identity cards since the passage of the USA PATRIOT Act? If so, please produce a copy of that position.
32. Has the DOJ through any of its agencies, including especially the INS, prepared or issued a policy with regard to security standards and acceptance of "Matricula Consulars" identity cards issued by foreign governments to persons who are residing in the United States but who may not be lawfully present in the United States.? If so, has that policy been provided in writing to the Office of Management and Budget, the Secretary of State, or the Secretary of the Treasury? If such a policy has been prepared, please provide a copy to the Committee.
36. "Operation Liberty Shield" involves stopping cars at airports, checking the identification of truckers who transport hazardous material on the highway, and monitoring Internet and financial transactions.
- A. Please identify the specific authority on which "Operation Liberty Shield" was created and implemented.
- B. What level of predication is required before an agent may monitor the Internet and financial transactions?
- C. What terrorism-related investigations and/or prosecutions have resulted from Operation Liberty Shield?